

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
v.) Case No. 11-00150-01-CR-W-HFS
)
VERNE E. MOORE)
)
Defendant.)

ORDER

A motion to suppress has been filed, based on a contention that there was no cause to stop and frisk the defendant (a felon in possession of a firearm), who claims he was not walking in the street. Having examined the briefing and transcript I accept the report and recommendation that I deny the motion (Doc. 19), for reasons stated by Judge Maughmer. The motion to suppress is hereby DENIED.

The objections to the report do not contest the legal citations allowing a stop and frisk under the circumstances, if, as claimed by the police, defendant and a juvenile were walking in the street during a time when the juvenile might be expected to be in school. Defendant's credibility, as compared with that of the police officers, was fairly ruled in favor of the police. For instance, defendant first claimed he protested the claim that he had been walking in the street (p. 67, Tr.) and then acknowledged he had not done so (p. 73, Tr.).

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

August 14, 2012

Kansas City, Missouri